

REMARKS

By this Amendment, claims 1, 12, 23, 34, and 45 have been amended and claims 56-70 have been added. Support for the amended and added claims can be found throughout the specification, including at paragraphs [0003], [0048], and [0106] – [0111]. Claims 1-3, 7-25, and 29-55 remain pending in the application, along with added claims 56-70. Applicants respectfully submit that no new matter has been added.

In the Office Action dated August 19, 2008 (OA), the Examiner reiterates the provisional rejection of claims 1-3, 7-25, and 29-55 on the grounds of non-statutory, double patenting over claims 1-118 of copending U.S. Application No. 10/315,196. No claims have been allowed or issued in copending U.S. Application No. 10/315,196. Applicants, nonetheless, reiterate that they will be prepared to submit a Terminal Disclaimer upon allowance of the allegedly conflicting claims of application U.S. Application No. 10/315,196, as appropriate.

The Examiner rejected claims 1-3, 7-25, and 29-55 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,714,928 to Calow. Applicants respectively traverse the rejections.

Rejection Under 35 U.S.C. § 102(e)

The Examiner rejected claims 1-3, 7-25, and 29-55 under 35 U.S.C. §102(e) as allegedly being anticipated by Calow. Applicants respectfully traverse the rejection for two reasons. First, Applicants respectfully submit that Calow is not properly considered prior art relative prior to the claimed invention. The attached Declaration of Patrick J.

Coyne provides contemporaneous documentation establishing that Mr. Coyne invented the subject matter of claims 1-3, 7-25, and 29-55 at least as early as July 28, 1998, and further that Mr. Coyne exercised diligence from that point through the date of filing of the application upon which priority is claimed. Second, even were Calow to be considered prior art relative to the claimed invention, Applicants respectfully submit that the pending claims are not anticipated by Calow. Although Applicants submit that Calow is not prior art relative to the claimed invention, Applicants have amended certain claims to be patentable over Calow even though could Calow be considered prior to the present invention.

I. Calow is Not Properly Considered Prior Art Relative to the Claimed Invention

In response to the prior Office Action, Applicants submitted the Declaration of Patrick J. Coyne, dated June 24, 2008. In that Declaration, Mr. Coyne provided certain documentation establishing a date of invention at least as early as November 3, 1999. In the meantime, Mr. Coyne has reviewed additional records and has identified additional contemporaneous records relating to the conception and reduction to practice of the claimed invention. Attached hereto is the January 21, 2009, Declaration of Patrick J. Coyne, pursuant to 37 C.F.R. §1.131 and M.P.E.P. §715.07, providing additional documentation. Applicants respectfully submit that the attached January 21, 2009 Declaration establishes, through contemporaneous documentation, a date of invention at least as early as July 28, 1998, as well as diligence in the reduction to practice of the invention from July 28, 1998, through the filing date of the priority document for the application.

II. Even Were Calow Considered to be Prior, and It Should Not Be, the Claimed Invention is Not Anticipated by Calow

Claim 23 recites a method of managing professional services project information including, among other things, “communicating data from a second software application to a professional services project management application through a first server cooperating with a second server to retrieve the data from said second software application in said first portable format.” Claims 1, 12, 34, and 45 recite similar elements.

Applicants respectfully submit that Calow fails to disclose each and every element recited in claims 1, 12, 23, 34, and 45. More particularly, Calow describes a database development system that provides methodologies for creating an HTML or Web database control object for use in a client/server database system. This format is defined in the pending application as an “open” or “portable” format.

Calow discloses users performing queries on tables stored in diverse databases (see e.g. column 8, lines 36-40). Yet, all of the databases that are disclosed in Calow are adapted to cooperate with the disclosed “HTML Data Window” of Calow’s invention. This Data Window is an open or “portable” format, as described and claimed in the present invention. Specifically, all of the data formats that Calow discloses are either ODBC-compliant or compatible with SQL server inquiries, and therefore all of the data formats disclosed by Calow are “open” or “portable” data formats. As such, Calow does not disclose any data formats other than “open” or “portable” data formats. Thus, among other reasons why the claimed invention is not anticipated by Calow, Calow fails to teach, disclose or suggest the functionality of the claimed system wherein the

claimed professional services practice management system interacts with data in a portable data format, as well as data in another format, other than a portable data format.

Calow fails to disclose, teach, or suggest the invention of claims 1, 12, 23, 34, and 45, including features of “communicating data from a second software application to a professional services project management application through a first server cooperating with a second server,” as recited in claim 23 and as similarly recited in claims 1, 23, 34, and 45. Instead, as illustrated in FIG. 5B, Calow teaches a development environment that handles DBMS specifics in a separate software layer (see e.g. column 11, lines 32 and 33). The separate software layer is hosted on a client computer, along with the user’s application (see e.g. column 11, lines 33-35). The layer contains of a set of various abstracted database interfaces, and a user application relies on the appropriate database interface when the user application requests access to a particular backend database (see e.g. column 11, lines 35-41).

The web-accessible databases that are accessed by Calow are each disclosed to be web-enabled (Col. 1: ll. 20-23; Col. 2: l. 60-Col. 3: l. 2; Col. 3: l. 60-Col. 4: l. 13). Calow expressly discloses at Col. 4, ll. 50-52, that: “The TML Data Window control is fully generated by the server component using standard HTML and JavaScript.” Numerous other disclosures in Calow further establish that Calow accesses data that is web-enabled in an HTML-compatible format. In each instance, the data is compatible with HTML scripting or is accessed through an ODBC-compliant database. The pending invention expressly discloses that these data formats are considered to be “open” or “portable” data formats. Calow fails to disclose any application in which any of

the databases accessed by Calow's invention are a format other than an "open" or "portable" data format.

Calow discloses, in only one location using any data format other than an HTML or web-based format, Column 11, lines 14-57, at which Calow discusses Figs. 5A and 5B, depicting a "separate software layer-database interfaces," and data maintained in "different formats (e.g., from a variety of different vendors)." The data formats disclosed in Fig. 5A are either Oracle databases or Sybase databases. The only interfaces disclosed in Fig. 5B are an ODBC interface or a Sybase Powersoft database interface. Thus, the only disclosure in Calow of a data format other than HTML-compatible script are ODBC-compliant data formats.

Calow states specifically:

A user will design his/her application to use this interface if he/she wants to access one or more ODBC-compliant databases. For a database that is not ODBC-compliant, the development environment offers a variety of native interfaces, each of which knows how to talk to a specific DBMS (such as SQL Server or Oracle). If a user wants to access a SQL server database, for example, a user will design his/her application to use the Powersoft SQL Server interface.

Calow, Column 11, lines 49-57. Calow discloses no non-ODBC compliant database interface, other than an Oracle or Sybase Powersoft SQL Server interface. Persons of ordinary skill in the art at the time of the invention would have understood that Oracle uses direct calls. Thus, persons of ordinary skill in the art at the time of the invention would have understood that Oracle effectively could be considered as being ODBC-compliant as there is no "proprietary" or "closed" barrier to accessing the data in another application.

Similarly, Sybase Powersoft provides an ODBC-compliant interface. Attached hereto as Exhibit A is a copy of Chapter 1 of the Sybase Powersoft User Guide. In addition to providing an ODBC-compliant interface through the use of drivers, Powersoft accesses HTML-encoded data and relies on HTTP interfaces over a TCP/IP network, as depicted in figures 1-1 and 1-2 of Exhibit A, the Sybase Powersoft User Guide. Powersoft too presents no "closed" or "proprietary" barrier to ready accessibility of the underlying data.

The data interfaces disclosed in Calow are either HTML scripts, ODBC-compliant databases, or direct call databases such as Oracle that are effectively considered ODBC-compliant. Calow does not address, let alone teach, suggest, or disclose how to integrate data that is maintained in any format other than a "portable" data format, such as a closed or proprietary format. As such, Calow fails to address formats other than a "portable" format, as are disclosed and claimed in the present invention. Closed or proprietary formats are the types of other data formats used by proprietary docketing and/or financial accounting systems that were in common use in the professional services industries at the time the present invention was made.

Further, FIG. 5B of Calow indicates that the software layer is on the client computer and separate from the server, thereby placing responsibility for managing database access requests on the client computer. As such, Calow fails to disclose that its database development system includes a "first server cooperating with a second server" to access a database. Accordingly, Calow fails to disclose, teach, or suggest "communicating data from a second software application to a professional services

project management application through a first server cooperating with a second server,” as recited in claim 23, and as similarly recited in claims 1, 23, 34, and 45.

Further, Calow fails to disclose, teach, or suggest features of communicating the data “to retrieve the data from said second software application in said first portable format,” as recited in claims 1, 12, 23, 34, and 45. Instead, Calow merely discloses a system for accessing database information by a group of users (see e.g. Column 2, lines 5-15). Instead of communicating the data to “to retrieve the data from said second software application in said first portable format,” Calow merely discloses a user fetching data from a web-enabled or otherwise open (such as an ODBC-compliant, Sybase Powersoft, or Oracle) database through a client software layer configured to read various data formats - each of which are already “open” or “portable” data formats - without conversion or commonization. As such, Calow fails to disclose, teach, or suggest the claimed invention, including features of communicating the data “to retrieve the data from said second software application in said first portable format,” as recited in claims 1, 12, 23, 34, and 45.

Consequently, Calow fails to anticipate claims 1, 12, 23, 34, and 45. As such, Applicant respectfully submits that claims 1, 12, 23, 34, and 45 are not anticipated under 35 USC §102(e) and respectfully requests that the rejection be withdrawn. Claims 2, 3, 7-11, 13-22, 24, 25, 29-33, 35-44, 46-55, and added claims 56-70 depend from either claims 1, 12, 23, 34, or 45. Therefore, the rejection of these claims should be withdrawn for at least the reasons mentioned above, as well as further features recited therein.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims. This Amendment and Response is believed to be a complete and proper response to the Examiner's Office Action.

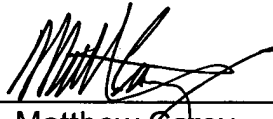
Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 50-2961.

Respectfully submitted,

Dated: _____

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By: _____


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